

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	) MDL No. 1456 ) Master File No. 01-12257-PBS ) Subcategory Case No. 06-11337 ) ) (Original Central District of California ) No. 03-CV-2238)
THIS DOCUMENT RELATES TO:	)
State of California, <i>ex rel.</i> Ven-A-Care v. Abbott Laboratories, Inc., <i>et al.</i> , CASE # 1:03-cv-11226-PBS	) Judge Patti B. Saris ) ) )

**JOINT MOTION TO EXTEND DISCOVERY SCHEDULE AND  
AMEND CMO 31**

Plaintiffs State of California and relator Ven-A-Care of the Florida Keys (“Plaintiffs”) together with Defendants Dey, Inc., Mylan Pharmaceuticals Inc., Sandoz Inc., and Warrick Pharmaceutical Corp. (“Defendants”), jointly move this Court to extend the fact discovery deadline until June 15, 2009 and to similarly extend all subsequent deadlines in CMO 31. The grounds for this motion are stated in the accompanying Memorandum in Support of Joint Motion to Extend Discovery Schedule and Amend CMO 31.

WHEREFORE, for the reasons set forth in the above referenced memorandum, the Plaintiffs and Defendants respectfully request that the Court grant this motion and sign the attached Proposed Case Management Order.

Respectfully Submitted,

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**On behalf of Defendants,**

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**Attorneys for Defendants Schering-Plough  
Corporation and Warrick Pharmaceuticals  
Corporation**

Dated: November 14, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2008, I caused a true and correct copy of the JOINT MOTION TO EXTEND DISCOVERY SCHEDULE AND AMEND CMO 31 to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Daniel J. Bennett

Daniel J. Bennett